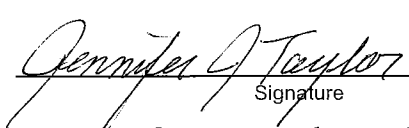


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  <b>MI22-1098</b>	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number <b>09/212,726</b>	Filed <b>December 15, 1998</b>
		First Named Inventor <b>Klaus F. Schuegraf</b>	
		Art Unit <b>2813</b>	Examiner <b>Rodgers, Colleen E.</b>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>  <p>This request is being filed with a notice of appeal.</p>  <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>  <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,711</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ <b>Jennifer J. Taylor, Ph.D.</b> _____ Typed or printed name  <u>(509)624-4276</u> _____ Telephone number  <u>April 5, 2007</u> _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. ....09/212,726  
Filing Date ..... December 15, 1998  
Inventor..... Klaus F. Schuegraf  
Assignee .....Micron Technology, Inc.  
Group Art Unit.....2813  
Examiner .....Rodgers, Colleen E.  
Attorney's Docket No. ....MI22-1098  
Title: Semiconductor Processing Methods of Chemical Vapor Depositing SiO<sub>2</sub> on a  
Substrate

**PRE-APPEAL BRIEF**

Applicant requests review of the rejection of claims 60-62, 64 and 66 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The office contends that applicant's specification fails to provide support for claim 60's limitation of providing O<sub>2</sub> into the reactor without passing through an ozone generator. Applicant notes that such limitation was removed by amendment in applicant's response filed October 10, 2006 and that such is no longer a recited limitation in claim 60. Accordingly, the § 112, first paragraph, rejection of claim 60 and its dependent claims is in error. Referring to page 5 of applicant's response filed October 10, 2006 such indicates that the recited phrase "without passing through an ozone generator" was deleted and previous language "without feeding ozone into the reactor" was reinstated (previously added by amendment) to be presented in the event of appeal. For the reasons explained therein, it is believed that one of ordinary skill in the art would clearly recognize from applicant's specification that ozone is not being fed into the reactor during applicant's disclosed process. Claim 60 therefore meets the requirements of § 112, first paragraph, and complies with the written description requirement.

Applicant also requests review of the rejection of claims 60-62, 64 and 66 under 35 U.S.C. § 103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,356,722) as combined with Ikeda (U.S. Patent No. 5,593,741) and considered with Wolf, et al. Silicon Processing for the VLSI Era, Vol. 1, Process Technology, (1986) pp. 166-167. As discussed at page 7 of applicant's response filed October 10, 2006, each of Ikeda and Nguyen disclose methods of utilization of ozone during deposition. Neither Ikeda nor Nguyen or a combination of the two references disclose or suggest the claim 60 recited deposition without feeding ozone into the reactor. The present action indicates that the element of 'without feeding ozone into the reactor' has been read out of the claims. Such is based upon the § 112 rejection. Applicant notes however that the § 112 rejection is erroneous and is based upon former claim language. Additionally as indicated above one of ordinary skill in the art would be apprised that applicant's methodology included methodology without feeding ozone into the reactor.

As further described in applicant's response dated October 10, 2006, at page 7, since both Ikeda and Nguyen disclose methods utilizing ozone during deposition the parameters disclosed therein do not teach or suggest the claim 60 recited parameters for depositing without feeding ozone into the reactor. Wolf is indicated as being relied upon as disclosing reactor aspects and does not contribute toward suggesting the recited deposition conditions or absence of ozone.

As set forth at page 7, paragraph 2 of the response filed October 10, 2006 the combination of Nguyen and Ikeda fail to provide a reasonable expectation of success for the recited deposition of SiO<sub>2</sub> without feeding ozone into the reactor utilizing the recited set of parameters. The Examiner further maintains an indication of overlapping ranges

between the prior art and the present claims. However, as set forth at page 8 of applicant's previous response, no guidance or suggestion is provided as to parameters to be utilized in an absence of ozone other than those set forth in applicant's own specification.

Since the Examiner's maintained rejections of claims 60-62, 64 and 66 are believed to be clearly erroneous and based upon improper reading of applicant's claims and reading out of limitations, review of such maintained rejections is respectfully requested.

Respectfully submitted,

Dated: April 5, 2007

By: Jennifer J. Taylor  
Jennifer J. Taylor  
Reg. No. 48,711